

# Graeme Kirk



Graeme is an experienced practitioner specialising in commercial and property law, and related areas including employment, company law and personal/corporate insolvency, as well as landlord and tenant work. Graeme also drafts commercial contracts.

He combines a commercial and practical approach and is always very approachable.

Graeme is very happy to provide seminars, and previously taught at BPP Law School.

Graeme accepts appropriate Direct Public Access instructions.



**Year of Call: 2001**

## Notable Cases

*Utip v McLelland [2022] 3 WLUK 309* – a decision on whether a statutory demand can be set aside when the existence of an interim charging order to provide security for the creditor would be defeasible if a bankruptcy order was made before the order became final.

*Jofa Ltd & another v Benherst Finance Ltd [2019] EWCA Civ 899* – an important decision on the correct that the court should take to costs awards in Norwich Pharmacal (non-party disclosure) applications.

*R (on the application of Wilson) v Dover District Council (2016) Lawtel 22/04/16* – the judicial review of a decision not to include a putative candidate on the list for the election of a Police Commissioner.

*Clacy and Nunn v Sanchez and others [2015] UKUT 387 (LC)* – a service charge dispute engaging issues of lease construction, limitation and notice.

*Towsey v Highgrove Homes Ltd [2013] BLR 45* – concerning whether it is possible to seek to wind a company up based on an adjudicated construction debt for which summary judgment has not initially been obtained from the TCC.

*Wiemer v Zone and others [2012] EWHC 107 (QB)* – an important procedural decision which features in the White Book on when it is appropriate to extend time for the service of a Claim Form.

*Ashdale Land and Property Company Ltd v Maioriello & others [2010] EWHC 3296 (Ch)* – a fascinating Right of Way dispute concerning the effect on a third party of an

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injunction prohibiting use of an access road.

*French v Groupama* [2010] EWHC 2827 (QB) – a High Court decision in which Graeme successfully argued that a householder was indemnified by her insurer in relation to certain damage to her property and consequential loss.

*Verizon UK Ltd v Swiftnet Ltd* [2008] EWHC 551 (Comm) – a wholesale billing dispute in the telecommunications industry.

*Payless Travel v Baba Krupa Holidays* [2004] EWCA Civ 472 – a commercial dispute concerning a travel agent and ticket consolidator, in the industry in which Graeme worked for seven years prior to being called to the Bar.

*Balamurali and Sandhu v Secretary of State for the Home Department* [2003] EWCA Civ 1806 – uncharacteristically, an immigration case during Graeme's early practice.

*R (on the application of Anthony Martin) v Parole Board* [2003] EWHC 1512 (Admin), (2003) Times 15th May – the judicial review of a decision not to grant early release to a well-known prisoner (during Graeme's pupillage at One Essex Court).

## Further information

### Qualifications

- MA in Modern History (Lincoln College, Oxford)
- CPE (PGDip Law), City University
- BVC, Inns of Court School of Law

### Interests

Graeme has three young children who keep him busy when he is not at work.

He loves all sorts of music, West Ham United and, until he had children, did a lot of travelling.

### Commercial

Graeme has a wide experience in commercial law, and considers it essential to have a complementary, in depth understanding of associated areas including insolvency and employment law.

Much of Graeme's commercial work concerns debt recovery, guarantee claims and contractual disputes, and he has appeared in trials, appeals and all manner of interim applications including summary judgments, charging orders, disputed disclosure and costs.

Graeme also has experience in drafting commercial contracts.



